



INSPECTOR GENERAL REPORT

2007-03-0057

November 7, 2007

INDIANA SEX OFFENDER REGISTRY

Inspector General David O. Thomas and Staff Attorney Amanda Schaeffer, after an investigation by Special Agent Maurice Allcron, report as follows:

In February of 2007, the Office of the Inspector General (OIG) received a written request to investigate the Indiana Sex Offender Registry (INSOR). The complaint requested the OIG to review the accuracy and management of the INSOR. Special Agent Bud Allcron was assigned to investigate.

The INSOR is a compilation of data on persons who have been convicted in Indiana of qualifying crimes, including sex and various violent crime offenses. One of the goals of INSOR is to identify and notify Indiana citizens of these persons and their locations.

The OIG investigation revealed that INSOR has been addressed twice in recent years by the Indiana Legislature. Because of these two recent legislative amendments to INSOR, the OIG inquired about the actions taken in response to these legislative changes.

1.

On July 1, 2006, the Indiana Legislature tasked the Indiana Department of Correction (DOC) to maintain INSOR. Indiana sheriffs are charged to maintain a website which identifies qualifying offenders. IC 36-2-13-5.5.

This new legislation in IC 11-8-8 charged DOC to develop a format for sex offender registration. DOC is also to provide public officials with training regarding the requirements of INSOR and to register offenders before their release from DOC facilities. These persons to be trained are judges, law enforcement officials, prosecuting attorneys, parole officers, probation officers, community correction officials and other justice professionals.

DOC responded by establishing a new web-based sex offender registration system for local sheriff departments to use in their registration and data collection efforts and a web-based sex offender registry for the public to retrieve information on sex offenders registered across Indiana. DOC also launched its training and registered over 1300 offenders before their release from incarceration. Over 900 of these offenders received specialized information, education, and testing on their registration requirements as part of a DOC educational course focused on sex offender registration requirements.

2.

In 2007, INSOR was once again amended in House Bill 1386 (Public Law 216). Effective July 1, 2007, the INSOR was renamed the Indiana Sex and Violent Offender Registry (INSVOR). The INSVOR now requires registration

for the additional criminal offenses of murder, voluntary manslaughter, and other violent and sex offenses that fall under the Adam Walsh Child Protection and Safety Act (Walsh Act) passed by Congress and signed by the President in July 2006.

DOC was also tasked to: (1) determine for all offenders whether they are required to register under IC 11-8-8, whether they are categorized as sexually violent predators under IC 35-38-1-7.5, and the length of time registration is required; (2) maintain records on all sex or violent offenders that have been incarcerated, sanctioned locally, relocated from or to other jurisdictions, and those that no longer require registration; and (3) establish agreements or compacts between Indiana and other jurisdictions concerning the exchange of addresses, employments, vocations or enrollments of offenders.

In Fiscal Year 2007 and in addition to efforts begun in fiscal year 2006, DOC indicates that it plans to comprehensively review sex and violent offender registration efforts in Indiana including Walsh Act compliance. It also intends to explore state and federal funding opportunities to further support and expand sex and violent offender registration efforts. Other planned efforts include providing training on sex and violent offender registration activities, developing computer-based training modules to educate law enforcement, prosecutors, judges, and other justice professionals along with the public about sex and violent offender registration and the registry. DOC also intends to develop agreements with other jurisdictions concerning offenders relocating to Indiana, and review each record in the INSVOR and the National Sex Offender Registry (NSOR) within the

National Crime Information Center [NCIC) to ensure that offenders are registered appropriately.

In meeting these goals, DOC reports that it has begun or completed the following tasks for fiscal year 2007.

A.

DOC is currently implementing a Comprehensive Approaches to Sex Offender Management (CASOM) grant. This grant requires the state to conduct a comprehensive assessment of all its sex offender related activities including the efforts of law enforcement, prosecution, the courts, supervision, treatment, registration and community notification. As a part of these efforts, DOC is also reviewing the Walsh Act to determine necessary changes in the Indiana Code, policies, and procedures to allow the state to comply with the Act by July 2009.

B.

DOC has recently submitted a grant application to the SMART Office, this being the new federal agency established under the Walsh Act that now oversees sex offender registration efforts. If awarded, Indiana will use the grant to establish a new case management system for local law enforcement, DOC and other justice professionals to register sex and violent offenders. The new system will provide many improvements including the ability to verify the accuracy and appropriateness of offender addresses at registration. This would include the qualifying offenders' 1000-foot restriction from school property, youth program

centers and public parks as prohibited in IC 35-42-4-11.

C.

DOC was recently awarded a Statewide Automated Victim Information and Notification (SAVIN) grant that will be used to expand notification to those who want further information on registered sex and violent offenders. Anyone registered against sex or violent offenders will be notified by email or phone when offenders register, update their registration, move or fail to register.

D.

DOC has provided local sheriff departments, community correction officials and probation officers with information, training, and updates on the sex and violent offender registration process. DOC has also provided local communities with documents and forms to be used in the registration process.

E.

DOC recently sent out a document to approximately 8,400 registered sex offenders updating them on their registration obligations that resulted from changes passed in HB 1386.

F.

DOC is in the process of establishing and collecting information from other jurisdictions on their registration requirements. DOC plans to enter into

agreements with these states to make sure Indiana is providing appropriate registration information to these jurisdictions and that in return these other jurisdictions are providing accurate and complete information to Indiana.

G.

DOC is in the process of reviewing all sex and violent offender records in INSVOR for consistency, accuracy and completeness.

H.

DOC is developing an auditing process to determine the effectiveness of INSVOR. Data will be collected from justice professionals in the registration process and the public to help identify appropriate changes and improvements. DOC will also be developing an auditing process that at a minimum will randomly review a portion of the records entered into the registry each fiscal year.

Based upon the above information, the OIG makes the following findings.

1.

The OIG finds that the INSVOR website is operational. This website was accessed at: <http://www.insor.org/insasoweb/>.

Random and multiple searches were successfully made. Moving the cursor to the specified blocks revealed the name, address and photograph of the offender.

2.

The OIG finds that DOC has taken substantial steps towards fulfilling these new statutory duties. Because of the recent legislative changes and the above actions to make INSVOR uniform with the federal model and House Bill 1386, the OIG does not make recommendations at this time. The OIG also stands ready to assist the DOC upon request and review these actions at a later time.¹

Dated this 7th day of November, 2007.

A handwritten signature in black ink, appearing to read "David O. Thomas", written in a cursive style.

David O. Thomas, Inspector General

¹The OIG is charged to “provide advice to an agency on developing, implementing, and enforcing policies and procedures to prevent or reduce the risk of fraudulent or wrongful acts within the agency”. IC 4-2-7-3(8).